

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:07CR97

ROBERT L. WHALEY, et al

ORDER

This cause is before the Court on defendant Robert Whaley's Motion for Continuance [47]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the defendant seeks a continuance in order to permit him to continue negotiations with the United States in an effort to reach a plea agreement. The government is unopposed to the requested continuance. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from August 6, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to permit defendant to finalize his agreement with the government, thereby avoiding the necessity of a trial. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [47] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, September 24, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from August 6, 2007 until September 24, 2007 is excluded as set out above;
4. That the deadline for filing pretrial motions is September 3, 2007;
5. That the deadline for submitting a plea agreement is September 10, 2007.

SO ORDERED, this the 26th day of July, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE